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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,425

03/26/2004

Mai Levite

LEVITE3

8418

1444 7590 04/10/2008
BROWDY AND NEIMARK, P.L.L.C.
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EXAMINER

JUEDES, AMY E

ART UNIT

PAPER NUMBER

1644

MAIL DATE

DELIVERY MODE

04/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10809425	3/26/2004	LEVITE, MAI	LEVITE3

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EXAMINER

AMY E. JUEDES

ART UNIT	PAPER
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1644	200804011
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DATE MAILED:

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Commissioner for Patents

The amendment filed on 1/24/08 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). Newly submitted claims 17-27 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The elected invention is an in vitro method of upregulating T cell activity. The method of newly presented claim 17 is a method of upregulating T cell activity in a mammalian subject comprising administering T cells (i.e. an in vivo method). The subject matter of new claim 17 was previously found in cancelled claim 14, which was withdrawn from consideration as being drawn to a non-elected invention in the office action mailed 3/30/07.

Accordingly, claims 17-27 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy E. Juedes, Ph.D. whose telephone number is 571-272-4471. The examiner can normally be reached on 8am - 5pm, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Technology Center 1600

/G.R. Ewoldt/
G.R. Ewoldt, Ph.D.
Primary Examiner, Art Unit 1644

PTO-90C (Rev.04-03)